

Zoning Board of Appeals Minutes, 11/01/2017

Zoning Board of Appeals Minutes November 1, 2017 Land Use Meeting Room

Members in Attendance: Chair Ethan Berg, (EB); Albert Harper, (AH); Ned Douglas, (ND); Clayton Hambrick, CH; Robert Fuster Jr., RFjr

Staff present: Peggy Ammendola, Land Use Clerk, (PA)

Also present: Ed Merritt, Rob Akroyd of Greylock Design Associates, and Mark Smith of Mark Smith Design. Mr. Smith is representing the Newbergers who are abutters to Mr. Merritt.

Edward Merritt, 199 Lime Kiln Road (Map 27, Parcel 18-2) Variance from Section 6.1.1 “Dimensional Requirements” to encroach into the setback of the north east property line for the re-construction and expansion of the existing garage.

Disclosures:

The following members of the Board made disclosures. They felt that this would not affect their ability to be impartial, but offered to recuse themselves if the presenters felt otherwise.

- ND disclosed that he works with an employee of Mr. Akroyd; taught Mr. Merritt’s three children and presently teaching Mr. Akroyd’s son.
- RFjr stated that he knows the Petitioner and most of his family.
- EB said that about 10 years ago, Mr. Akroyd did some work for him.
- CH disclosed that he knows the Petitioner as well as Mr. Akroyd.

Both Mr. Merritt and Mr. Akroyd stated that they were comfortable with having all four participate in the proceedings.

RFjr read aloud the Petition.

AH pointed out that the Petition states that the address of the property is 199 Lime Kiln Road, but that the Assessor’s records indicate that 139 Lime Kiln is the correct address. Before proceeding he wanted to have this clarified. PA explained that abutters are located by way of the Map and Parcel for the subject property, not by the address. The correct Map and Parcel number is shown on the Petition. AH felt that it should be on record that the property could be designated as 199 as well as 139. He doesn’t believe that there would be a problem with abutters being notified. Mr. Akroyd said that he believes that it is 139, but at some point he was directed by someone at Town Hall that it should be 199. RFjr felt that this issue was de minimis and that it would be 199 Lime Kiln and the Town will be amending their maps.

Mr. Akroyd presented the application.

He stated that there is an existing garage and driveway on the lot which is comprised of about 1.8 acres and is located on the west end of Lime Kiln Rd. Mr. Merritt wishes to put an addition onto the garage, converting it into a residence and artist’s studio. It is served by town water and a shared private leaching system with Mr. Merritt’s sister, Ellen Merritt, who is a direct abutter.

The property was described as being encumbered by a number of environmental constraints which includes, but is not limited to, an intermittent stream, river front, bordering vegetative buffer, vernal pool, etc. Natural Heritage Endangered Species Program (NHESP) has identified the property as being within a priority habitat. A portion of this property is under a Conservation Restriction, held by Mass Audubon, which means that it cannot be developed. The property is encumbered by a 100 year flood plain.

Mr. Akroyd said that the only direction which can be expanded to is to the north, but even this is somewhat restricted by the location of the septic tank and pump chamber. He believes that this expansion can be developed without and detriment to abutting lots.

Mr. Akroyd presented the concept of a floor plan, stating that the total square footage of the two story structure would just over 4,600, and the proposed addition is 2000 square feet. The total figure includes outdoor space. EB said that typically outdoor space isn’t included and reviewed dimensions of two areas, one 75’ X 40’ and 24’ X 24’ , a total of 2,000 sf and confirmed that these areas, 2,000 sf, are a part of the 4,600 sf quoted. Mr. Akroyd agreed.

An outdoor area off from the second floor was described as a balcony/terrace, root top deck or roof garden. Mr. Merritt said that this would be partially covered, and could possibly have an arbor over it as well as solar panels.

It was confirmed that the studio will not retail.

A letter of October 25th from Ellen Merritt, who lives on abutting lot, was read into the record. Ms. Merritt stated that this is 12 feet off from her lot and she supports the Petition.

Mr. Smith said that the Newbergers live across the street from Mr. Merritt and that he has been going to the Conservation Commission meetings and checking documentation to make sure that everything has been in order. He did ask for clarification for the square footage. Mr. Akroyd

reviewed each space and its measurements. He does in general have concerns regarding the granting of variances as it sets precedence, but he agrees that the site is restricted with regards to the environmental issues. He doesn't think that the Newbergers have an issue with the size or encroachment of the setback.

RFjr made a motion to grant application for a variance from Section 6.1.1 "Dimensional Requirements" so that the Petitioner can encroach into the setback on the northeast property line for the reconstruction and expansion of the existing gar into a dwelling unit. EB seconded the motion and the Board voted to approve 5-0.

The meeting was adjourned at 7:45 PM.

Respectfully submitted,
Peggy Ammendola